

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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CRAIG STEVENSON aka PHOENIX GOINES,

Plaintiff,

-against-

**THE CITY OF NEW YORK, P. O. "JOHN DOE I"
and P. O. "JOHN DOE II",**

Plaintiff designates
New York County as
the place of trial.

S U M M O N S

Basis of venue is
county where cause
of action arose.

Defendants.

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action to serve a copy of your answer, or if the complaint is not served with this Summons, to serve notice of appearance, on the plaintiff's attorney within twenty (20) days after the service of this Summons, (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Bronx, New York
February 4, 2020

Yours, etc.,

MICHAEL T. RIDGE, ESQ.
Attorney for Plaintiff
910 Grand Concourse, Suite 1D
Bronx, New York 10451
(718) 590-5400

DEFENDANTS' ADDRESS:

JAMES E. JOHNSON, ESQ.
Corporation Counsel
Attorney for Defendants
100 Church Street
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

CRAIG STEVENSON aka PHOENIX GOINES,

Plaintiff,

-against-

VERIFIED COMPLAINT

THE CITY OF NEW YORK, P. O. "JOHN DOE I"
and P. O. "JOHN DOE II",

Defendants.

-----X

Plaintiff, CRAIG STEVENSON aka PHOENIX GOINES, by his attorney,
MICHAEL T. RIDGE, ESQ., respectfully allege as follows:

**AS AND FOR A FIRST CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

1. That the cause of action herein complained of arose in the County, City and State of New York.
2. At all times mentioned, the defendant, **THE CITY OF NEW YORK**, was and is a municipal corporation duly organized and existing by virtue of the laws of the State of New York.
3. That heretofore and on the 14th day of December, 2018, Plaintiff's Notice of Claim and Intention to Sue was duly served upon and filed with the Office of the Corporation Counsel of **THE CITY OF NEW YORK**, said Notice as filed within ninety (90) days after plaintiff's cause of action against **THE CITY OF NEW YORK** occurred on November 7, 2018.
4. That a statutory hearing on this matter was held on November 13, 2019.

5. That at least thirty (30) days have elapsed since the demand or claim upon which this action is predicated was presented to **THE CITY OF NEW YORK** for adjustment and that it has neglected and/or refused to make adjustment or payment or payment thereof.

6. That this action has been commenced within one (1) year and ninety (90) days after the cause of action of the plaintiff accrued.

7. Upon information and belief, at all times mentioned, the defendants, **P. O. "JOHN DOE I"** and **P. O. "JOHN DOE II,"** were and are police officers of the defendant **THE CITY OF NEW YORK**, and at all times herein were acting in such capacity as the agents, servants and employees of the defendant, **THE CITY OF NEW YORK**.

8. On or about November 7, 2018 at approximately 2:00 p.m., the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, was assaulted and falsely arrested by New York City Police Officers. The events that resulted in the plaintiff's arrest began at or near 14th Street and continued to 17th Street at or near 8th Avenue, in the County, City and State of New York and continued thereafter at the 10th Precinct and on to the Courts in the County, City and State of New York.

**AS AND FOR A SECOND CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

9. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, repeats, reiterates and re-alleges all of the allegations contained in Paragraphs "1" through "8" with full force and effect as though set forth at length herein.

10. On or about November 7, 2018 at approximately 2:00 p.m., the defendants jointly and severally in their capacity as police officers, wrongfully touched, grabbed, handcuffed and seized the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, which began at or near 14th Street and continued to 17th Street at or near 8th Avenue, in the County, City

and State of New York and continued thereafter at the 10th Precinct and on to the Courts in the County, City and State of New York, and did so in an excessive manner about his person, causing him physical pain and mental suffering necessitating him to seek medical treatment. At no time did the defendants have legal cause to grab, handcuff, seize or touch the plaintiff, nor did the plaintiff consent to this illegal touching nor was it privileged by law.

**AS AND FOR THE THIRD CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

11. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, repeats, reiterates and re-alleges all of the allegations contained in Paragraphs "1" through "10" with full force and effect as though set forth at length herein.

12. On or about November 7, 2018 at approximately 2:00 p.m., the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, was assaulted and falsely arrested by New York City Police Officers. The events that resulted in the plaintiff's arrest began at or near 14th Street and continued to 17th Street at or near 8th Avenue, in the County, City and State of New York and continued thereafter at the 10th Precinct and on to the Courts in the County, City and State of New York.

13. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, was at the aforementioned location when he was approached and assaulted by members of the New York Police Department namely the defendants, **P.O. "JOHN DOE I" and P.O. "JOHN DOE II."** At the aforementioned time and place, the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, was falsely arrested, falsely imprisoned, abused, assaulted, and caused to sustain serious personal injuries and deprived of his Civil Rights. The defendant, jointly and severally without any warrant, order or other legal process and without any legal right, wrongfully and unlawfully arrested the plaintiff, restrained him and his liberty and then took him

into custody to the 10th Precinct and on to Central Bookings in the County, City and State of New York. The defendants intentionally confined the plaintiff without his consent and the confinement was not otherwise privileged by law and, at all times, the plaintiff was conscious of her confinement.

**AS AND FOR THE FOURTH CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

14. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, repeats, reiterates, and re-alleges all of the allegations contained in paragraphs "1" through "13" as it set forth at length herein.

15. The defendants, **P.O. "JOHN DOE I"** and **P.O. "JOHN DOE II,"** were at all times relevant, duly appointed and acting as officers of the City of New York Police Department.

16. At all times mentioned herein, said police officers were acting under color of law, to wit: the statutes, ordinances, regulations, policies and customs and usage of the State of New York and/or **THE CITY OF NEW YORK**.

17. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, is and at all times relevant herein a resident of Kings County in the State of New York and brings this cause of action pursuant to 42 United States Code, Section 1983 and 42 United States Code, Section 1988.

18. The defendant, **THE CITY OF NEW YORK**, is a municipality duly incorporated under the laws of the State of New York.

19. On or about November 7, 2018, approximately 2:00 p.m., the defendants, armed police, while effectuating the seizure of the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, did search, seize, assault and grab the person of the plaintiff without a

court authorized arrest or search warrant. They did physically seize the person of the plaintiff during the arrest process in an unlawful and excessive manner. The plaintiff was falsely arrested without the defendants possessing probable cause to do so; also, he had to seek medical attention as a result of the excessive force used by defendants herein against his person. In arresting and detaining a claimant against his will by use of a quota system for arrest, which is practice and customary system used by the New York City Police Department. The plaintiff was stopped through a process of racial profiling employed by New York City Police Department and P.O. "JOHN DOE I" and P.O. "JOHN DOE II".

20. The above action of the defendants resulted in the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, being deprived of the following rights under the United States Constitution:

- a. Freedom from summary punishment; and
- b. Freedom from cruel and inhuman punishment; and
- c. Freedom from illegal search and seizure; and
- d. Freedom from false arrest; and
- e. Freedom from the use of excessive force during the arrest

process.

21. The defendants subjected the plaintiff to such deprivations, either in a malicious or reckless disregard of the plaintiff's rights or with deliberate indifference to those rights under the fourth and fourteenth amendments of the United States Constitution.

22. The direct and proximate result of the defendants' acts are that the plaintiff has suffered severe and permanent injuries of a psychological nature. The plaintiff was forced to endure pain and suffering, all to his detriment.

**AS AND FOR A FIFTH CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

23. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, incorporates, repeats and re-alleges all of the allegations contained in Paragraphs "1" through "22" with full force and effect as though set forth at length herein.

24. The defendant, **THE CITY OF NEW YORK**, has grossly failed to train and adequately supervise its police officers in the fundamental law of arrest, search and seizure especially when its police officers are not in possession of a court authorized arrest and a search warrant and where an individual, especially as here, has not committed a crime and has not resisted arrest, that its police officers should only use reasonable force to effectuate an arrest and the arrest should be based on probable cause.

25. The defendant, **THE CITY OF NEW YORK**, was negligent by failing to implement a policy with its Police Department and instruct police officers who, absent the consent of the plaintiff (or similarly situated individuals) or without the possession of a court authorized arrest search warrant, said police officers of **THE CITY OF NEW YORK** are not to arrest individuals such as the plaintiff here where probable cause is lacking and the use of force should only be reasonable when an individual resists arrest and should not be used where a criminal defendant is not resisting arrest.

26. **THE CITY OF NEW YORK** is negligent due to its failure to implement a policy with its Police Department or actively enforce the law, if any of the following are lacking:

1. Probable cause must be present before an individual such as the plaintiff herein can be arrested.

2. Force cannot be used against an individual who does not

physically resist arrest.

3. An individual who sustains physical injury at the hands of the police during the arrest process should receive prompt medical attention.

27. The foregoing acts, omissions and systemic failures are customs and policies of the defendant, **THE CITY OF NEW YORK**, which caused the police officers to falsely arrest, seize illegally and search the plaintiff, commit an assault to his person.

**AS AND FOR A SIXTH CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

28. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, repeats, reiterates, and re-alleges all of the allegations contained in paragraphs "1" through "27" as if set forth at length herein.

29. The defendant, **THE CITY OF NEW YORK**, was negligent in that prior to and at the time of the acts complained of herein, due to the prior history of the Police Officer Defendants, the defendant, **THE CITY OF NEW YORK**, knew or should have known of the bad disposition of said defendants or had knowledge of facts that would put a reasonably prudent employer on inquiry concerning their bad disposition and the fact that these officers were not suitable to be hired and employed by the defendant, **THE CITY OF NEW YORK**, and that due to their lack of training, these officers should have had adequate supervision so that they would not arrest innocent individuals nor use excessive force during the arrest process.

30. That by reason of the foregoing, this plaintiff was severely injured and damaged, rendered sick, sore, lame and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, has suffered and continued to suffer serious and extreme mental and emotional anguish, distress and psychological damages and difficulties, some of which injuries are permanent in nature and duration, and the plaintiff will be

permanently caused to suffer pain, inconvenience and other effects of such injuries, the plaintiff incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and the plaintiff has suffered and in the future will necessarily suffer additional loss of time and earnings from employment; and plaintiff will be unable to pursue the usual duties with the same degree of efficiency as prior to this occurrence, all to the plaintiff's great damage.

31. The defendant, **THE CITY OF NEW YORK**, was negligent in that prior to and at the time of the acts complained of herein, due to the prior history of the Police Officer defendants, **THE CITY OF NEW YORK**, knew or should have known of the bad disposition of said defendants or had knowledge of facts that would put a reasonably prudent employer on inquiry concerning their bad disposition and the fact that these officers were not suitable to be hired and employed by **THE CITY OF NEW YORK** and that due to their lack of training, these officers should have had adequate supervision so that they would not arrest innocent individuals nor use excessive force during the arrest process.

32. That by reason of the aforesaid unlawful arrest, the plaintiff was deprived of his liberty, was subjected to great indignity, humiliation, pain and great distress of mind and body and was held up to scorn and ridicule, was injured in his character and reputation, was prevented from attending his usual business and avocation, was injured in his reputation in the community and the said plaintiff has been otherwise damaged.

**AS AND FOR A SEVENTH CAUSE OF
ACTION IN FAVOR OF CRAIG STEVENSON aka PHOENIX GOINES**

33. The plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, repeats, reiterates, and re-alleges all of the allegations contained in paragraphs "1" through "32" as if set forth at length herein.

34. The defendant, **THE CITY OF NEW YORK**, intentionally and maliciously initiated, and actively continued, a criminal judicial proceeding against the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, without probable cause.

35. That the above mentioned criminal judicial proceeding commenced by the defendant against the plaintiff, terminated in the plaintiff's, **CRAIG STEVENSON aka PHOENIX GOINES**, favor.

WHEREFORE, the plaintiff, **CRAIG STEVENSON aka PHOENIX GOINES**, demands judgment against the Defendants, together with the costs and disbursements of this action in the amount of damages greater than the jurisdictional limit of any lower court which would otherwise have jurisdiction. Additionally, the Plaintiff demands in respect of all causes of action, punitive damages and attorney fees pursuant to 42 USC Section 1988.

Dated: Bronx, New York
February 4, 2020

Yours, etc.,


MICHAEL T. RIDGE, ESQ.
Attorney for Plaintiff
910 Grand Concourse, Suite 1D
Bronx, New York 10451
(718) 590-5400+

STATE OF NEW YORK }
 } s.s.
COUNTY OF BRONX }

MICHAEL T. RIDGE, ESQ. being duly sworn, deposes and says that;

The undersigned is an attorney admitted to practice in the Courts of New York; is the attorney of record for the plaintiff Craig Stevenson aka Phoenix Goines in the within action; has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof; the same is true to affiant's own knowledge, except as to those matters said to be upon information and belief and as to those matters, affiant believes it to be true. This verification is made by affiant because Plaintiff does not reside in the same County where his Attorney maintains his office.

The grounds of Affiant's belief as to matters not stated upon affiant's own knowledge are as follows:

Due to conversations with clients, investigations and review of the client's file kept in my office, the same is true to deponent's own knowledge, except as to those matters said to be upon information and belief and as to those matters, deponent believes it to be true.

Affirmed this 4th day of February, 2020


Michael T. Ridge, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
CRAIG STEVENSON aka PHOENIX GOINES,

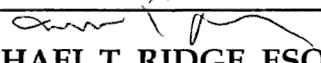
Index No.:

Plaintiff,
-against-

THE CITY OF NEW YORK, P.O. "JOHN DOE I"
and P.O. "JOHN DOE II",

Defendants.

SUMMONS AND VERIFIED COMPLAINT


MICHAEL T. RIDGE, ESQ.
Attorney for Plaintiff(s)
910 Grand Concourse Suite 1D
Bronx, New York 10451
(718) 590-5400

Dated: Bronx, New York
February 4, 2020

To: *As addressed on attached document.*

PLEASE TAKE NOTICE:

Notice of Entry

that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named Court on (*dated*) _____.

Notice of Settlement

that the within order will be presented for settlement to the HON. _____ one of the judges of the within named Court, at (*addr*) _____ on (*dated*) _____.